

Jul 29, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

JESUS MANZO,
Defendant.

No. 2:07-CR-2042-WFN-1

ORDER REDUCING SENTENCE

**UNITED STATES MARSHAL
ACTION REQUIRED**

Pending before the Court is Defendant's Motion to Reduce Sentence Under § 3582(c)(1)(A). ECF No. 914. Defendant has exhausted his claim with the Bureau of Prisons [BOP]. Defendant must demonstrate that "(i) extraordinary and compelling reasons warrant such a reduction; or (ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) . . . and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g)." 18 U.S.C. § 3582(c)(1)(A). As Defendant is not over 70 years old, he must demonstrate that extraordinary and compelling reasons warrant reduction.

Defendant has demonstrated compelling reasons warranting a sentence reduction. The disparity between Defendant's guideline range at the time of sentencing and what it would be today is staggering. At the time of sentencing Defendant faced a mandatory minimum of 20 years. The § 851 notice that applied at the time of sentencing no longer would be applicable to Defendant. If sentenced today, Defendant's range lands around the ten-year mandatory minimum. He has served over five years in excess of that range. The disparity between Defendant's sentence and his co-Defendants' terms of incarceration further supports release. Mr. Manzo, unlike several co-Defendants, pled guilty, but nonetheless received a significantly longer sentence than all but one co-Defendant.

1 Defendant has served the bulk of his original sentence. Defendant's projected release
2 date is June 30, 2024. He has served about 75% of his original sentence. With nearly 15
3 years behind bars Defendant has paid his debt to society. He has a plan for release and
4 support in the community.

5 The 3553(a) factors support release. Defendant is not a danger to the safety of any
6 other person or the community. He has participated in programing and demonstrated
7 rehabilitation. He has already secured employment and family will help him transition into
8 the community. Consequently, the Court concludes that Defendant has presented
9 compelling reasons for a modification of his sentence.

10 The Court interprets the Government's lack of response, despite repeated requests by
11 both defense counsel and Court staff, as acquiescence. The Court concludes that based on
12 the lack of objection, the Government has no objection to the Defendant's Motion to Reduce
13 Sentence. The Court has reviewed the file and briefing and is fully informed. Accordingly,

14 **IT IS ORDERED** that:

15 1. Defendant's Motion to Reduce Sentence, filed May 20, 2021, **ECF No. 914**, is
16 **GRANTED**.

17 2. Defendant's sentence is reduced to **TIME SERVED**. Defendant shall be released
18 **IMMEDIATELY**.

19 3. Defendant shall immediately provide the United States Probation Office with his
20 proposed release address.

21 The District Court Executive is directed to file this Order and provide copies to
22 counsel **AND TO** the United States Probation Office **and** United States Marshals Service—
23 **action required**.

24 **DATED** this 29th of July, 2021.

25 

26 WM. FREMMING NIELSEN
27 SENIOR UNITED STATES DISTRICT JUDGE
28

07-29-21